

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ALBERTO DOCOUTO,

Plaintiff,

vs.

DAVID G. NANZ, et al.,

Defendant.

Case No. 2:13-cv-01765-MMD-GWF

ORDER

Motion to Proceed with Complaint (#4)

This matter comes before the Court on Plaintiff Alberto Docouto's ("Plaintiff") Motion (#4) titled Motion for Some Disposition, filed on September 26, 2013.

Plaintiff previously filed a Complaint on April 26, 2013, alleging violations of 42 U.S.C. § 1983, 28 U.S.C § 1331, and the "Tort Claim Act" in case number 2:13-cv-00711-GMN-VCF. The prior Complaint was dismissed without prejudice during screening for failure to provide the court with sufficient factual material supporting his claims. Plaintiff asserts his detention on immigration status prevented him from filing an amended complaint within the specified time period. Plaintiff, therefore, filed the current Application to Proceed in Forma Pauperis (#3) and Complaint (#3-1) on September 26, 2013, and brings this present motion (#4) requesting the court proceed with the aforementioned Complaint (#3-1).

Upon granting a request to proceed *in forma pauperis*, a court must additionally screen a complaint pursuant to 28 U.S.C. § 1915(e). Because Plaintiff's Application to Proceed in Forma Pauperis (#3) and Complaint (#3-1) have not yet advanced the screening stage, the Court must deny Plaintiff's Motion (#4) at this time. Accordingly,

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DATED this 25th day of March, 2014.

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